



June 10, 2019

Via Email: 74661-74069029@requests.muckrock.com

Jasper Craven
MuckRock News
DEPT MR 74661
411A Highland Ave
Somerville, MA 02144-2516

FOIL Request #2503

Dear Mr. Craven:

This letter responds to your correspondence dated June 3, 2019, which pursuant to FOIL requested:

All communication between officials at Tradeoff Construction Services (<https://www.gilbaneco.com>) and agency officials between Jan. 1 2019 and present day.

Your request is denied pursuant to Public Officers Law § 89(3) which requires a request for records to be “reasonably described.” In order for a request to be reasonably described the request should, to the extent practicable, include parameters, such as: the names or roles of custodians to be searched; the names of external parties; specific subject matter and/or search terms.

Please note that whether a request is reasonably described may be dependent upon the nature of an agency’s filing or record keeping system and agency employees are not required to engage in herculean or unreasonable efforts to locate records. See Konigsberg v. Coughlin, 68 N.Y.2d 245 (N.Y. 1986) and the NYS Committee on Open Government’s FOIL Advisory Opinions 18949 and 18863. The Committee on Open Government has explained that “a request for ‘all’ records, without limitation, that include a certain name, for example, might not be found to reasonably describe the records.” (COOG AO-18949 (Aug. 20, 2012)).

The Executive Chamber employs nearly 200 individuals and does not maintain records in a manner that allows all records sent and received by all employees on a given day to be readily accessed, segregated, and reviewed. The broad scope of your request does not sufficiently identify the types of records sought to enable the Executive Chamber to conduct a search and locate responsive records.

This denial is without prejudice to submit a new request that reasonably describes the records sought.

Additionally, please be advised that the New York State Executive Chamber does not maintain records of other state agencies and is not the custodian of records reflecting communications sent or received from “agency officials.”

Pursuant to Public Officers Law § 89(4)(a), you have thirty (30) days to take a written appeal of this determination. You may make an appeal by writing: FOIL Appeals Officer, Executive Chamber, State Capitol, Albany, New York, 12224.

Very truly yours,

A handwritten signature in black ink, appearing to read "Valerie Lubanko". The signature is fluid and cursive, with the first name "Valerie" written in a larger, more prominent script than the last name "Lubanko".

Valerie Lubanko
FOIL Counsel
Records Access Officer